

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of ~~DOCKET FILE COPY ORIGINAL~~

CC Docket

Defining Primary Lines

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS

The National Exchange Carrier Association, Inc. (NECA)¹ files these comments regarding the Federal Communications Commission's (FCC or Commission) *Further Notice of Proposed Rulemaking* in the above captioned matter.² Among other matters, the *FNPRM* invites comment on a proposal that TTY users have access to the telecommunications network at primary line rates.³

The Commission recognizes that when one or more members of a residence have a speech or hearing disability, there may be a need for the members of the residence to order one line dedicated to traditional telephone service and a second line for a text telephone (TTY).⁴ The Commission proposes that individuals with speech or hearing

¹ Under the Commission's rules, NECA is responsible for the preparation of access charge tariffs on behalf of telephone companies that do not file separate tariffs; and for the collection and distribution of associated access charge revenues. See 47 C.F.R. §§ 69.603 and 69.604. Additionally, NECA is currently serving a four-year term as the interstate Telecommunications Relay Services (TRS) fund administrator. See 47 C.F.R. §§ 64.601 – 64.605.

² Defining Primary Lines, CC Docket No. 97-181, *Report and Order & Further Notice of Proposed Rulemaking*, FCC 99-28 (rel. Mar.10, 1999)(*FNPRM*).

³ See *FNPRM* at ¶ 42. Although the *FNPRM* generally focuses on requirements that affect price cap carriers, the Commission proposes similar treatment for rate-of-return (ROR) lines if it extends the non-primary line structure to ROR local exchange carriers (LECs). *Id.*

⁴ See *FNPRM* at ¶ 41.

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disabilities should have access to the telecommunications network at primary line rates.⁵ The Commission seeks comment on how such a procedure could be implemented. For example, the Commission is considering treating one residential line per location that is used by speech or hearing disabled individuals in conjunction with a TTY as primary, regardless of whether another line at the location is also treated as primary.⁶ As an alternative to treating a TTY line as primary, the Commission requests comment on the idea of a subsidy, which would equal the difference in charges that would apply when a TTY line is deemed non-primary as opposed to primary.⁷

The Commission correctly concludes that providing TTY users access to the telephone network at primary-line rates is in the public interest and furthers the goals of universal service. It is not necessary, however, for the Commission to rely on a subsidy program to implement such a policy. Simply counting TTY lines as primary would avoid the administrative complexity of creating another support mechanism or adapting an existing program.

If these lines are considered primary, they will automatically be included in other universal service programs that support primary lines, in particular the federal high cost

⁵ *FNPRM* at ¶ 42.

⁶ *FNPRM* at ¶ 43.

⁷ *FNPRM* at ¶ 44. Additionally, the Commission seeks comment on whether such a subsidy should be paid from the TRS Fund or a more general Universal Service Fund. In the past, the TRS Fund has provided funding related only to interstate relay services. *See generally* 47 C.F.R. §§ 64.601 – 64.605. A “primary-line” subsidy funded through the TRS program is misplaced. The interstate TRS fund was designed for special purpose, to recover the excess costs of providing interstate relay services, and has special requirements that relate to this service. *Id.*

and low income programs.⁸ The Commission should state clearly in this proceeding that TTY primary line treatment extends to these programs.

Respectfully submitted,

April 9, 1999

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⁸ The distinction between primary and non-primary lines for universal service purposes only is relevant to non-rural carriers. *See* Federal-State Joint Board on Universal Service, *Report and Order*, 12 FCC Rcd 8776 (1997) at ¶ 96

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing comments was served this 9th day of April 1999, by mailing copies thereof by United States Mail, first class postage paid, or by hand delivery, to the persons listed below.

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